

Exhibit D

From: "Smith, Kyle" <ksmith@paulweiss.com>

Date: December 12, 2023 at 8:12:16 PM EST

To: "London, Sarah R." <slondon@lchb.com>

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Subject: RE: [EXT] RE: Uber Meet and confer?

Counsel:

Thank you for yesterday's meet and confer to discuss issues related to PTO #2. During that meet and confer, Plaintiffs indicated that they intend to move for an order providing for the following relief: (1) an order requiring Uber to suspend the normal operation of its document retention policy on a company-wide basis, regardless of the fact that electronic data is preserved under that policy for individuals who are on litigation hold for any matter; and (2) an order requiring Uber to provide details about the scope of the litigation hold it has issued in this case, and potentially other cases.

With respect to (1), Uber does not agree to the relief Plaintiffs are seeking, and that relief is not warranted or contemplated by PTO #2. With respect to (2), although Uber's prior confirmations of compliance with PTO #2 more than satisfy its obligations under that order and applicable law, in the spirit of compromise, Uber will agree to provide to Plaintiffs, pursuant to a Confidential designation within 7 days following entry of the Protective Order in this litigation, a list showing job titles of several thousand current and former employees of Uber who are subject to a litigation hold such that their electronic data is being preserved regardless of the company's generally applicable document retention policy.

Plaintiffs also indicated that they intend to move to shorten the time for Uber to respond to Plaintiffs' motion to enforce. Uber is amenable to a reasonable shortening of the time of its response; assuming Plaintiffs file their motion by 12/14 and waive their right to file a reply, Uber will agree to submit its opposition to the motion to enforce (in the event Plaintiffs proceed with filing it notwithstanding the above) by 12/22.

Please let us know if you'd like to confer further on these issues, as we remain available to do so.

Best,
Kyle

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